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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,131	09/16/2003	Kelly J. Reasoner	100201886-1	5398

7590 07/14/2004

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EXAMINER

TRAN, KHOI H

ART UNIT PAPER NUMBER

3651

DATE MAILED: 07/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,131

Applicant(s)

REASONER ET AL.

Examiner

Khoi H Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-4, 6-8, 12-14 and 16 is/are rejected.
- 7) ☐ Claim(s) 5 and 9-11, and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KHOI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 8, 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morisaki 6,515,946.

Morisaki '946 discloses an inventory device per claimed invention. The device comprises a sensor to sense a position of an access device in a data storage system (Figure 5). The sensor comprises an obvious circuitry operatively connected to said sensor for outputting signals indicating that the access device is opened while the data storage system was shut down. The device comprises control logic, communicatively coupled to the circuit, that causes the data storage system to inventory one or more storage locations associated with the access device when the circuit state indicates that the access device was opened.

In regards to claim 4, In the event that Morisaki '946 access device has been opened and an inventory has been performed, the control logic resets the circuit state to a state indicating the access device was not opened.

In regards to the method claims 7 and 8 the inventory method using Morisaki '946 inventory device anticipates all claimed method steps.

3. Claims 2, 3, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morisaki 6,515,946 in view of Chaloner 6,741,907.

Morisaki '946 discloses all elements per claimed invention as explained in paragraph 2 above. However, it is silent as to the specifics of the access device comprises a drawer having plurality of data cartridge storage locations.

Chaloner '907 discloses an inventory system for a data storage library. Chaloner '907 teaches that it is commonly well known to house plurality of data cartridges in drawers.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Morisaki '946 data storage system with drawers having plurality of data cartridge storage locations because they provide well known housing means for data cartridges, as taught by Chaloner '907.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morisaki 6,515,946 in view of Jesionowski 6,216,057.

Morisaki '946 discloses all elements per claimed invention as explained in paragraph 2 above. However, it is silent as to the specifics of the access device sensor being an optical interrupter.

Jesionowski '057 teaches that optical sensor having optical interrupter can be use to detect the opened or closed state of an access device.

It would have been obvious for a person with ordinary skill in the art, at the time the invention was made, to have provided to Morisaki '946 sensor with an optical sensor

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because it facilitates the opened/closed detecting means for the access device, as shown by Jesionowski '057.

Allowable Subject Matter

5. Claims 5, 9, 10, 11, and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

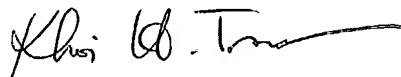
Conclusion

6. Additional references made of record and not relied upon are considered to be of interest to applicant's disclosure: see attached USPTO Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (703) 308-1113. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Ellis can be reached on (703) 308-1113. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
07/12/2004